

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

020358-000100US

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/856435

INTERNATIONAL APPLICATION NO.

PCT/AU99/01043

INTERNATIONAL FILING DATE

23 May 2000

PRIORITY DATE CLAIMED

23 November 1998

TITLE OF INVENTION

FROZEN ALCOHOLIC BEVERAGES

APPLICANT(S) FOR DO/EO/US

Jayanthi Weerasinghe; Samuel Wolf Strunin; and Jerome Bernard Jolson

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 - ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 - ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States receiving Office (RO/US)
 - ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 - ☒ Amendments as to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 - ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Unsigned)
 - ☐ A translation of the annexes to the International Preliminary examination Report under PCT Article 36 (35 U.S.C. 371(c)(5))

Items 11. to 16. below, concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
 - ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copy of International Search Report, copy of International Preliminary Examination Report.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/856435		INTERNATIONAL APPLICATION NO. PCT/AU99/01043		ATTORNEY'S DOCKET NUMBER 020358-000100US	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO 840.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) 670.00 No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) 760.00 Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO 970.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) 96.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	29-20=	9	x \$18.00	\$ 162	
Independent Claims	3-3=	0	x \$80.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			9	+ \$260.00	\$ 260
TOTAL OF ABOVE CALCULATIONS =				\$ 1262	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 C.F.R. 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$ 1262	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1262	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded	\$
				charged	\$ 1262

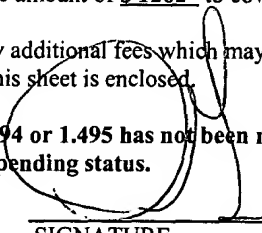
a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 20-1430 in the amount of **\$ 1262** to cover the above fees.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
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 SIGNATURE

NAME: Darin J. Gibby

38,464
 REGISTRATION NUMBER

9/856435

Attorney Docket No. 020358-000100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Jayanthi Weerasinghe et al.

International Application No.: PCT/AU99/01043

International Filing Date: 23 May 2000

For: FROZEN ALCOHOLIC BEVERAGES

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No. EL720801442US

Date of Deposit: May 22, 2001

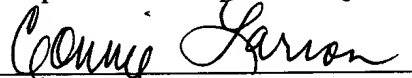
I hereby certify that the following attached items:

1. Transmittal Letter to the United States Designated/Elected Office
2. Patent Application
3. Preliminary Amendment
4. International Preliminary Examination Report
5. International Search Report

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Box PCT, Washington, D.C. 20231

Connie Larson

Type or print name of person depositing



Signature of person depositing